
H. Ireland Commons, House of

MINUTES of EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

ENNISCORTHY ELECTION.

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1783

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THE
C A S E
OF THE
Borough of Enniscorthy.
IN THE COUNTY OF WEXFORD.

THE committee for trying this cause was chosen on Wednesday the 5th of November, 1783:

The Right Hon. Barry Yelverton, Chairman.

Henry Meade Ogle, Esquire.

Sir Thomas Osborne, Baronet.

Arthur Dawson, Esquire.

Peter Holmes, Esquire.

Conway Richard Dobbs, Esquire.

Charles Ruxton, Esquire.

Henry Loftus, Esquire.

Edward Tighe, Esquire.

John Forbes, Esquire.

Lord Edward Fitzgerald.

Arthur Browne, Esquire.

Denis Bowes Daly, Esquire.

Charles O'Hara, Esquire.

Sir Richard Butler, Baronet.

THE CASE OF THE

Petitioners—Adam Colclough, John Colclough,
and Cornelius Grogan, Burgesses,

Counsel for the Petitioners—Michael Smith
and William Fletcher, Esquires.

Sitting Members—William Alexander English,
and Mountifort Longfield, Esquires,

Counsel for Sitting Members—John Egan and
Roger Barret, Esquires.

The Case for the Petitioners.

The number of burgesses had been reduced to eight, three of whom were ill, and one was absent at the election—Sir Vesey Colclough, who was the returning officer, had not held the election within twenty-one days, nor did he post the notice within four days of the election, pursuant to the statute *.—The notice mentioned no hour at which the election was to be held; two of these four burgesses having heard of the notice but the very night before the

* By 1 Geo. 2. Cap. 9. Sect. 2. It is enacted, “ That
“ every mayor, or other chief magistrate, of any city, &c.
“ to whom the sheriff or sheriffs shall so send a precept for
“ the electing any Members to serve in parliament, shall
“ hold the election within twenty-one days from the day of
“ his receiving the precept, and shall in some public place
“ of such city, &c. where notices are usually posted up,
“ affix, or cause to be affixed, notice under his hand and
“ seal of the time and place of holding such election, four
“ days preceding the election; and in case any returning
“ officer shall act otherwise, or offend herein, he shall for
“ such offence forfeit the sum of five hundred pounds.”

election,

election, set off for the election, and arrived at Enniscorthy about 12 o'clock in the morning; and Richard Colclough, one of these burgessees, finding that Sir Vesey intended to hold the election immediately, went to inform Mr. Adam Colclough, another of the burgessees, thereof, which caused a delay of about ten minutes—and on his Richard Colclough's return to the Bear Inn, the place of election, they found the election over. Soon after which period, Mr. Cornelius Grogan and Mr. Robinson, the other two burgessees, also arrived. It was avowed by the petitioners, that these burgessees who had been deprived of voting, had intended to vote for David Walsh.

Whereupon the room was cleared, and when the counsel was called in, they were informed by the chairman, that it had been

“ Resolved by the committee, that they
“ were of opinion, that they had no power to
“ substitute the name of Mr. Walsh in the
“ place of Mr. English, and that the counsel
“ for the petitioners ought therefore to confine
“ themselves to the point,—whether the elec-
“ tion be null and void or not.”

Colonel *Moore* was thereon produced on the part of the petitioners.

On the twentieth of August last, the witness was in the town of Wexford, and early in the morning of that day set out for Enniscorthy;

corthy; at half past eleven, or rather between eleven and twelve he arrived at Enniscorthy—Evidence saw Cæsar and Richard Colclough in conversation at the inn door—He asked Cæsar Colclough if Colonel Longfield was in town—who answered, that he did not know whether he was in town or not, but that Sir Vesey Colclough, who was in the room in the inn, and just going to hold the election, could better tell—The witness asked him, Cæsar Colclough, when Sir Vesey was going to hold it, and Mr. Colclough replied, immediately. Sir Vesey then opened the window, and called or beckoned to Mr. Cæsar Colclough to go up to him into the room, which the witness having heard was an open one, followed Cæsar Colclough into—The witness there saw Sir Vesey and a person whom he called the Town Clerk, at a table in the room, Mr. English and a Mr. Brown were present—The witness did not recollect any other person there, and did not know Mr. John Grogan, but knew Cornelius Grogan and Adam Colclough, and they were not in the room—he knows Mr. Robinson, he was not in the room, nor was the Rev. Mr. Jacob in the room—he believed Cæsar Colclough was not in the room—There was no Burgefs of Enniscorthy in the room but Sir Vesey Colclough, from the time he, the witness, went into the room until he left it, which was not more than a quarter of an hour.—Sir Vesey

Vesey said he intended to hold the election, and there being no Burgesses present, he should, as returning officer, return Mr. English and Colonel Longfield for the borough, and asked the witness if he had any objection, to which the witness answered, he had no right to find fault being no Burgess, and Sir Vesey then said to the witness, you can be chaired for Colonel Longfield—to which the witness replied, he did not come to answer for Colonel Longfield, but to see him—The witness left the room immediately—saw on the table a paper with two seals, and Mr. English and Mr. Longfield's names were inserted in the paper, but the witness did not know whether it were a return or not. The names were above the seals—he believed the paper was not executed—and he, the witness, was not asked to sign it to his recollection—and he saw no crier or person acting as crier.

He was cross examined.

The day previous to the witness's going up to Enniscorthy, he was told there was to be an election there—the next day he was told it by Sir Vesey, in Wexford, and went to see Colonel Longfield, who was one of the candidates for Enniscorthy. The witness asked Sir Vesey had Colonel Longfield come to town, and was told by him that it was not necessary for Colonel Longfield to be there. The witness
saw

saw paper on the table and not parchment—
 and did not hear of any proclamation made at
 the Bear or elsewhere—nor of any precept,
 from the sheriff, nor of any oath taken by the
 returning officer. He was told that the election
 was over, before he, the witness, thought that
 it was begun—he heard no precept read, and
 did not know that what he saw was an election
 —no return executed, whilst he, the witness,
 was in the room—he left the room and went
 up the Hill, where he met Adam and Richard
 Colclough, and Mr. David Walsh, near the door
 —the witness passed them by and returned again
 in about half an hour to the Bear Inn, where
 he met Mr. David Walsh near the door. Mr.
 Walsh said it was an odd sort of election that
 was held up stairs, and Adam and Richard
 Colclough said, they had come to propose Mr.
 David Walsh as a candidate, but they gave no
 reason why they did not come down earlier.
 The witness told them (Adam and Richard Col-
 clough) that Sir Vesey had taken away the
 books. The witness met Cornelius Grogan,
 when he, the witness, was going out of town,
 at between one and two o'clock, Mr. Grogan
 said, he was coming to vote at the election—
 the witness understood, that he, Mr. Grogan,
 had no objection to Colonel Longfield, but was
 coming to vote for him—Sir Vesey might have
 begun the election before he, the witness, came
 into

into the room, for what he knew to the contrary—the witness understood Sir Vesey was going to chuse the members—he was acquainted by Sir Vesey, that Mr. Loftus was to stand in his stead on that day, as candidate for the county of Wexford.

The committee here resolved, that it was their opinion

“ That the sitting member or his agent,
“ should not be at liberty, by direct or cross
“ examination, to ask such questions as may
“ prove a corrupt bargain between Mr. Walsh
“ and the petitioners.”

James Furlong was produced for the petitioners.

The witness lived at Enniscorthy, and kept an inn there—he recollected an election to be held at his house at which he was present, and he had acted as town clerk—Sir Vesey Colclough came into his, the witness's house, near eleven o'clock, and the election was held about twelve o'clock—the witness was in the room during the election, which lasted about half an hour—Sir Vesey Colclough went to Wexford about a quarter of an hour after the election—The witness's waiter acted as crier—he stood at the door fronting the back stairs, Thomas James was the crier's name—the room in which the election was held was up one pair of stairs—the witness was present during the whole of

the election—the witness wrote the proceedings, and Cæsar Colclough read a paper to Sir Vesey and administered an oath—Cæsar Colclough was present the whole of the time—he heard Cæsar Colclough speak something to Sir Vesey Colclough about Mr. Richard Coleclough being in town—but Sir Vesey did not think that they were in town—Sir Vesey Colclough, Mr. English, Cæsar Colclough, and Mr. Brown, were there part of the time—Colonel Moore was there also part of the time, about a quarter of an hour—the witness's servant was crier at the election—he did not know what Cæsar Colclough read, the witness did not take it down—he thought Mr. Cæsar Colclough administered an oath to Sir Vesey Colclough—Mr. English, or somebody for him, took the books from the house of the witness—the witness acted as clerk, and read a precedent in the book, which Sir Vesey gave him—Mr. English took the corporation book—the witness left the book in the room after him, but the return was never left with him, the witness, after the election was done—the witness saw the book since in the room Mr. English lay in, in his the witness's * house—the witness made all the entries that were made in the book during the

* The sitting member admitted having the corporation book, and promised to produce it when he should be required.

election—

election—he believed that he read something from the sheriff to Sir Vesey, and did also read the precedent that was given to him by Sir Vesey Colclough—the witness took the oath of town clerk—he saw Adam Colclough about a quarter of an hour or ten minutes after the election—he saw him in the room—he did not recollect whether Sir Vesey was in the room.

He was cross examined.

He wrote the business of the day as he usually did—Sir Vesey seemed to be in a hurry, and the cause of his hurry was, as the witness believed, to hold the election before the burgeses came down—the witness heard Sir Vesey and Cæsar Colclough talking together, and Sir Vesey wanted to expedite the business before the gentlemen came down—he believed there was no application made by Sir Vesey and Cæsar Colclough to the burgeses to hold the election, and the witness did not hear of the cause of the hurry from any person but Mr. English and Mr. Cæsar Colclough, they were talking of it, and he believed it to be the fact, as he heard it from them, and as he believed Mr. Cæsar Colclough to be a gentleman—the witness had heard others say, that a sum of 300l. properly applied, would put an end to the election or business—the witness did not say it himself—the witness applied to Sir Vesey Colclough to transfer a chief rent to him, to

discharge a debt due to him, and said that he would use his interest in other respects to injure Sir Vesey, if he did not pay him, and that he, the witness, would not befriend him, Sir Vesey, as usual—did not converse with Sir Vesey about the corporation since he came to town—but he, the witness, had said, if the proper questions were asked of him, that he, the witness, could establish or make void the election—the witness did not recollect any election so early—he saw elections held before, but never was town clerk—he recollected an election eight years ago, and supposed Sir Vesey to be then returning officer—he believed Sir Vesey was returning officer when Sir Frederick Flood was returned for that corporation—the witness would go 1000 miles to serve Sir Vesey—he had refused his house to Sir Vesey without being paid, but did not threaten Sir Vesey—he was under many compliments to Sir Vesey—the crier made proclamations—the crier made three proclamations in half an hour, from first to last, as he believed—He saw no person take out a watch, but saw one lying on the table—he believed a longer time between the first and second proclamation, than between the remaining proclamation, he did not consult his own watch—the proclamations were over, before he, the witness, began to write—the witness was not half an hour writing—he believed the conversation between

Sir

Sir Vesey and Cæsar Colclough, about Adam and Richard Colclough's being in town, was before the first proclamation was made—the witness writes middlingly quick, but does not write well—he believed it was after twelve he began copying the precedent—the crier made proclamation on the out edge of the door, mounted on a chair, but did not continue there all the election, but he, the crier, made all the proclamations there—he was sure that Sir Vesey Colclough was the only burgesses present at the time of the election—he was sure there was a notice posted—he had read it, it was posted on his, the witness's house door—he, the witness, did not see Richard Colclough any time before the election began, at his, the witness's house, but had heard that he, Mr. Richard Colclough, was there that day—the notice which had been posted was taken down before the election, but the witness did not know by whom—he, the witness, did not observe it to be on the door of his house, but the day it was put up.

Mr. Richard Colclough *was produced on behalf of the petitioners.*

On the 20th of August last, the witness went to the election of Enniscorthy, and received notice of it from his brother Adam Colclough, but the night before, of an election for two burgesses to serve in parliament for Enniscorthy
—the

—the witness would have voted for Mr. Walsh and Colonel Longfield, and did not hear that Mr. English was to be proposed—he arrived at Enniscorthy at about ten o'clock, and went to the usual place of holding elections, Furlong's house—the witness was alone, he went up to the crier's room, and staid there a considerable time—Sir Vesey Colclough was not then in town, that he, the witness knew of—the witness sat in the room window which commands the road, to see Sir Vesey come into town, but did not see him at that time—he, the witness, went to the Fox inn, at the other end of the town, and there met Mr. Adam Colclough and Mr. David Walsh—the witness told Adam Colclough, that Cæsar Colclough and Mr. English had come to town, but that he, the witness, had not seen Sir Vesey—and the witness bade him, Adam Colclough, to come down to the election—that he, the witness, had staid at the Bear inn till that time, and had then gone to the Fox inn—he staid there a quarter of an hour in conversation with Adam Colclough—the witness afterwards met and asked Cæsar Colclough was Sir Vesey come, and he, Cæsar said, he was above in the window—the witness then told him, Cæsar, that the witness's brother, Adam Colclough and Cornelius Grogan were in town, and then the witness went to the Fox inn, to tell his brother Adam Colclough and the other burgesses,

gesses, that Sir Vesey was in town, this was about half after eleven or something more, to the best of his recollection; after some time, about ten minutes, or thereabouts, the witness went down to the Bear inn with Adam Colclough, to vote for Mr. Walsh and Mr. Longfield, but the election was over before they had got down—the witness asked if the election were going on—did not see Sir Vesey—was told he was gone out of town, and Mr. Furlong told him, the witness, that it was over—he, the witness, asked nothing about the books of the corporation—Mr. Cornelius Grogan and Mr. William Robinson came to town about the time that the witness made this enquiry, and it was then one or two o'clock, and as he believed, very close on two—he remembered an election before that, and it was held between one and two, the witness was not at that election—Mr. Sutton was not there he was ill—Mr. Benjamin Bagnal was not there—Mr. Jacob was not there, he was in the North.

He was cross examined.

He did see Mr. English and Cæsar Colclough but did not see Sir Vesey with them—the witness's brother, Adam Colclough, was at the Fox inn at the time he, the witness, went there—the witness went to the Bear inn alone, and met Cæsar Colclough and Mr. English there, Cæsar Colclough told him, the witness, that

the

the election was going on, and wanted him, the witness, to go up, and the witness refused to go up, for he, the witness, wished to acquaint his brother, Adam Colclough, that the election was going on, and that Sir Vesey was in town—he knew Charles Sutton, he was a burghess, the witness believed he read a letter from Mr. Sutton consenting to Mr. English's election at the Bear—he knows Mr. Walth eight years last past—the cause of Adam Colclough and the witness's stay at the Fox inn, was till Adam Colclough should eat his breakfast.

William Robinson was produced on behalf of the petitioners.

The witness came to Enniscorthy to vote at the election on the 20th of August—he was applied to to attend the election, on the night before the election, and was ready to vote for Mr. English and Mr. Longfield—the election of the county of Wexford was going on, and Sir Vesey Colclough was a candidate for it.

The committee room was cleared, and on the counsel being called in, the chairman informed them, that the committee had

“ Resolved, that it was their opinion, that
 “ counsel should first apply themselves to the
 “ question, whether there could be a due elec-
 “ tion, when no burghess was present except
 “ Sir Vesey Colclough the returning officer—
 “ and

" and next, that counsel be directed to support
 " Mr. Longfield's case."

The sitting Member's case.

The counsel contended that the returning officer had a right to vote, and therefore he first voted as burghers, and signed it as returning officer. The election must be determined upon view, and a poll is only necessary, or to be granted if it be demanded, and the sheriff or returning officer must proceed to the election and make his return. The returning officer had posted notice, and sent word to the electors, and desired them to come to the election, if there were any misprision, it was by the *laches* of the electors, and not by the misconduct of the returning officer, and the electors had no right to complain. The question as to the returning officer's voting or not, might be considered thus : First, if there were but one voter present, was it not then his duty, if that voter voted for the sitting member to return him? Secondly, if he be returning officer, and also a voter, must not the return be, that one voter was present, and that the sitting member was elected by that one? The precept which is sent by the sheriff to the returning officer recites the writ, which says, " You shall cause to be independently chosen, " by those who shall be present at the said

C

" proclamation,

Plo. Com.
 123, 126.
 a.

1 Vol. Ir.
 Com. Jour
 nal pa. 2.
 En. Stat.
 7. H. 4.
 Cap. 15.

“ proclamation, according to the form of the
 “ statute, in that case made and provided.”
 There were several boroughs in England, and
 one city, which were not represented. When
 the writ comes to the sheriff, he gives notice,
 that he shall hold his election at the county
 court for the whole county—the burgesses
 meet and choose proper persons to represent
 them, and send their names to the sheriff, who
 makes the whole return of his county to the
 Clerk of the Hanaper; and if no voters what-
 soever are present, the returning officer must
 make a return of the two persons proposed.

The Chairman here interposed, saying it was
 a glorious epocha, when the representatives of
 the nation were paid by their constituents, and
 at that time there were several boroughs lost
 their franchises by not returning burgesses; he
 wished the counsel to confine themselves to the
 question, Whether an election be a valid one,
 when the returning officer, who had a vote,
 and no other person attended, and he made
 the return? and he cited a case, where 28
 voters attended, two of them voted for A,
 thirteen for B, and thirteen voted for C, in
 the right of his casting vote; and there Lord
 Holt said, “ That the mayor, or other head
 “ officer, had of common right no casting
 “ voice, but such a thing might be by parti-
 “ cular

Queen v.
 Chapman
 Mayor of
 Bath.
 Holt's
 Cases 442.
 6 Mod.
 152.

" cular constitution, as prescription or character."

The counsel here contended, " That the
" mayor made the return, and that the court
" would not suffer that return to be dilated,
" vowed, but granted an information against
" the magistrate for returning him by his
" casting vote." He supposed a corporation
consisted of twelve men, and that seven were
inclined to vote one way, and five another,
but of these seven two were ill of the gout
and could not attend, whereby the corporation
is reduced to an equality, surely the returning
officer is not precluded from his casting
voice,

ubi sup.

The counsel for the petitioners replied, and
principally relied on the case above cited from
Lord Holt, and contended, that the precept
ought not to be directed to the portrieve alone
* but to the portrieve and burgesses.

* This argument is not warranted by the fact, for the
precept is directed to the mayor, portrieve, &c. without
mentioning the burgesses, and the sheriff's return warrants
that decision, for it says, " I made also several precepts to the
" several mayors, sovereigns, provosts and bailiffs, of the se-
" veral cities and boroughs in my said county, that they
" should cause to be elected out of each city two citizens,
" and out of each borough two burgesses, of the most dis-
" creet, &c. which said mayors, sovereigns and provosts,
" answer me, &c."

1 Ir. Com.

J. pa. 3.

1 Ir. Com.

J. pa. 4.

Cæsar

Cæsar Colclough, Esq; *was produced on behalf of the sitting Members.*

He recollected the election day at Enniscorthy—he left Wexford at about eight o'clock in the morning, and had breakfasted at Enniscorthy with Sir Vesey Colclough, Mr. English and Mr. Brown, they arrived at Enniscorthy at near eleven o'clock—the witness saw Mr. Richard Colclough in the bow window in the Bear inn, and thought to have spoken to Mr. Richard Colclough, and for that purpose went up stairs to the room to look for him, Richard Colclough, but did not find him there—the witness then came down stairs, called to the waiter and Mrs. Furlong, to know if Mr. Richard Colclough were not there, they replied, that he had been there a moment ago—the witness searched for Mr. Richard Colclough with some diligence, but did not see him for some considerable time afterwards—the witness thereupon went up stairs again to the election room where he could not find Richard Colclough, and by the time the witness had gone up Sir Vesey Colclough had got the crier making proclamation, which Sir Vesey Colclough dictated to him—when the proclamation was over the witness went down into the street, and was for ten or fifteen minutes looking for Richard Colclough, whom he at last met at the door leading up to the election room—the witness told

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told him, Richard Colclough, that Sir Vesey was going on with the election, and asked him, Richard Colclough, would he not go up, and told him that one of the proclamations was made—and the witness then pulled out his watch and told him, Richard Colclough, that the first proclamation being made the time would shortly elapse for making the others—the witness requested him, Richard Colclough, to go up to Sir Vesey Colclough more than once—and said to him, that Sir Vesey Colclough had been a beneficent and good friend to him, Mr. Richard Colclough, and that he the witness, thought good manners should prevail on him, Richard Colclough, to go up, though he should object to his proceedings, upon which Mr. R. Colclough turned as if he had a mind to go up, and the witness then told Mr. Richard Colclough, “Before you go up
“Mr. Colclough, I am to tell you, it is Sir
“Vesey Colclough’s intention to return Mr.
“English and Mr. Longfield, and to stand or
“fall with them.”—That thereupon Mr. Richard Colclough said, for his part he was but one voice among so many, and he could have no objection to any body that Sir Vesey Colclough chooses to nominate, but that he would not go up, for that he must go to his brother Adam—Mr. Richard Colclough then went ten or fifteen yards from the witness, who called to him again to go up—Sir Vesey Colclough
called

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called on the witness to administer the bribery oath towards the end of the election—the witness did not tell Sir Vesey Colclough that he had not seen Mr. Richard Colclough at any time that day, Sir Vesey saw the witness speaking to Richard Colclough out of the window—he believed that every one in the town knew that the election was going on—the witness had understood that some of the gentlemen burgessees did not approve of Sir Vesey Colclough's nomination some days before the election—the witness was told it by Mr. Grogan—the witness would not have accompanied Sir Vesey, if he thought he, Sir Vesey, would act illegally—the witness heard Sir Vesey tell Mr. English, that while he had a leg under him, he would support him—the witness meant with his, Sir Vesey's person—the witness had not a thought that Sir Vesey meant by supporting Mr. English, any illegal proceedings on the election.

He was cross-examined.

He was in the room and heard the first proclamation, the door of the room was fronting the back of the house—the witness heard Sir Vesey desire the window to be opened that no objection might be made—it must be with a very attentive ear the proclamation would be heard in the street—he believed the crier was fifty

fifty years old—the witness saw Cornelius Grogan during the election, as the witness stood at the window—the witness did not recollect any discourse between Sir Vesey and the burgeses—the witness did not intend to influence Richard Colclough by any thing he told to him, and did not think at that time that Adam Colclough was in town—Sir Vesey Colclough did not hear Richard Colclough and the witness speak at the door—the witness saw Mr. Furlong writing, but did not know what it was he wrote—The witness wished not to interfere in the election, and desired to go away—Mr. Sutton had consented to Sir Vesey Colclough's nomination—Mr. English followed the witness into the corporation room—Colonel Moore and Colonel Brown, Furlong and the crier were in the room—it was a late hour when Adam Colclough came into the room—the witness was asked by Adam Colclough where was Sir Vesey—the witness told him, Adam Colclough, that he was gone—Adam Colclough then declared, that he would object to the election—there were two case of pistols lying on a bed in the room where the election was held—the witness had heard that Mr. Walsh was coming armed also—he, the witness, believed that Sir Vesey Colclough thought Mr. Walsh was to be pitted against Mr. English by the burgeses—the witness believed

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lieved Mr. Furlong would not swear improperly.

Colonel Brown *was produced on behalf of the sitting Members.*

The witness was at Enniscorthy on the 20th of August last—he was present at the election there—the first proclamation was made at about eleven o'clock, and Sir Vesey begged of the witness to take out his watch to count time, he, Sir Vesey Colclough, having none himself—the witness took out his, the witness's watch, and laid it on the table—Sir Vesey Colclough desired him, the witness, to tell when half an hour would expire, that the second proclamation might be made, and better than half an hour passed between each proclamation—the witness recollected an oath to be put to Sir Vesey Colclough by Cæsar Colclough—he believed that better than half an hour elapsed between the last proclamation and the election—the witness, on going into the corporation room, saw a person on a chair outside the room making proclamations—Sir Vesey Colclough, bade him, the witness, to take his, the witness's watch, and count time—after the first proclamation he saw a clerk writing, and somebody dictating to him—he saw Sir Vesey Colclough sign the paper which the clerk had written, and put his, the witness's, watch into his pocket and walked about—there were

were some formalities gone through, it was near one o'clock when he, the witness, put up his watch—the witness heard some one tell Sir Vesey, that as the burgeses did not appear he, Sir Vesey, had better proceed, as his presence was wanting in Wexford—Sir Vesey Colclough said, he had sent for the burgeses, and not one of them appeared, which was very odd—he did not recollect who was the person that had this conversation with Sir Vesey, and could not recollect who were in the room at the time—he saw Mr. Moore in the room after the election, and the two Mr. Colcloughs also; Mr. Adam Colclough said, it was good treatment that Sir Vesey gave his burgeses, this was at three quarters past one—the witness heard something read at about three quarters past twelve o'clock—he did not know what it was that was read, and could not tell, whether it was before or afterwards that the clerk began to write—the person who was called town clerk, read a paper—the witness saw the clerk write on a paper, and saw Sir Vesey Colclough sign it.

Here the case was closed on both sides.

The committee then came to several resolutions, and by their order, the Right Honourable Barry Yelverton informed the house, that the select committee, appointed to try the matter of the petition of Adam Colclough, John Grogan and Cornelius Grogan, Esqrs, complaining of an undue election and return for the borough of Enniscorthy, in the county of Wexford, had determined,

That the last election of Burgesses to serve in this present parliament, for the borough of Enniscorthy, is a void election.

And also, that Sir Vesey Colclough, the returning officer of the said borough, held the said election unduly and irregularly *.

And

* Though the question directly before the committee, seems to be the misconduct of the returning officer, in making a return upon his own vote, yet the following resolution, which seems to be in point, does not appear to have been cited.

" Veneris 18 die Decembris, 1713.

" Resolved,

" That no sheriff of a county, mayor, provost, portrieve, sovereign, or other chief magistrate, of any city, town, borough or corporation, nor seneschal of a manor, hath a right to vote in any election, (except where the voices of the other electors are equal) any usage or custom to the contrary notwithstanding, unless where, by express words of the charter, they
" have

• BOROUGH OF ENNISCORTHY.

27

And the said determination was ordered to be entered in the journals of this house.

21 Ir. Com.
Jour. 257
258.

“ have other or greater power, or where there hath been
“ usage to the contrary time out of mind in boroughs by
“ prescription.”

3 Ir. Com.
Jour. 986.

BOROUGH OF ENNISCOFFERY

And the said determination was ordered to
be entered in the journals of this house.

6 DE 58
And the said determination was ordered to
be entered in the journals of this house.